

**261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.R.M-M No.54109-2018 (O&M)

Date of Decision : 7.3.2019

Laxman Singh and others

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. IPS Mangat, Advocate
for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Gurinder Singh, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.1583 dated 31.12.2017, under Sections 120B/406/420/506 IPC, 1860 registered at Police Station Ballabgarh City, Faridabad, Haryana and all other consequent proceedings on the basis of compromise.

Reply by way of affidavit of Balbir Singh, HPS, Assistant Commissioner of Police, Ballabgarh, Faridabad has been filed on behalf of respondent No.-1/State. Copy has been supplied to the opposite party.

On 6.12.2018 the following order was passed :-

“Notice of motion.

Mr. V.G.Jauhar, Sr. DAG, Punjab, who is present in Court has accepted notice on behalf of respondent(s)-State. Mr. Shashikant Singh, Advocate has appeared and filed power of attorney

on behalf of respondent

No.2. Same is taken on record.

Learned counsel for the petitioners as well as learned counsel for respondent No.2 state that compromise has been effected between the parties.

List on 07.03.2019, for further proceedings.

The parties are directed to appear before the learned trial Court/Illaq Magistrate on 08.01.2019 and to get recorded their statements regarding compromise. The learned trial Court/Illaq Magistrate is directed to send the report regarding the genuineness of compromise on or before the date fixed.

A copy of this order be sent to learned trial Court/Illaq Magistrate, through fax, for compliance.”

Thereafter, the report of the Judicial Magistrate 1st Class, Faridabad dated 9.1.2019 has been received whereby he has mentioned that the parties had appeared before him and had attested to the fact that a compromise has indeed taken place between them voluntarily without any threat, pressure, undue influence or fraud. Further, the compromise is genuine and voluntary.

Learned State Counsel has also accepted this fact.

The Supreme Court in **Gian Singh v. State of Punjab and another** reported as 2012(4) RCR(Criminal) 543 has discussed in detail the inherent powers of High Court in quashing a criminal proceeding or FIR or complaint where the parties have entered into compromise except the cases which involve offences such as murder, rape dacoity etc. as such offences are not private in nature and have serious impact on society.

In view of the above judicial pronouncement, I am of the considered opinion that continuation of criminal proceedings between the

parties would be an abuse of the process of law and the present compromise is for their benefit and will bring peace and harmony between them.

Consequently, this petition is allowed and the FIR No.1583 dated 31.12.2017, under Sections 120B/406/420/506 IPC, 1860 registered at Police Station Ballabgarh City, Faridabad, Haryana and all consequential proceedings arising therefrom are quashed qua the petitioners.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

7.3.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No